

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JUAN M. PEREZ,

Plaintiff,

v.

MATTHEW J. FRANK, *et al.*,

Defendants.

ORDER

06-C-248-C

Before the court is plaintiff's motion to for an extension of time to name his experts (dkt. 22). Plaintiff has asked to move his November 10, 2006 deadline to December 8, 2006, "on par" with defendants' deadline.

Plaintiff may have some extra time, but there are ripple effects of which the parties must be aware. In federal civil litigation, the party with the burden of persuasion discloses his experts first, then the opposing side discloses its experts in response. So if I extend plaintiff's deadline, I will extend defendants' deadline in equal measure.

Right now, the expert disclosure deadlines are set to occur before the deadline for filing dispositive motions, which at this point may be viewed as a summary judgment motion deadline. This court is strict about not moving the summary judgment motion deadline unless it has to, because it wants to leave enough time to decide any such motion before trial. Here, the summary judgment motion deadline is December 22, 2006 and trial is firmly set for May 21, 2007.

I already have noted that the issues raised in this lawsuit are complicated and important, and the result of this case could have wider ramifications. Therefore, I will add three weeks to both sides' expert disclosure deadlines and to the summary judgment motion deadline. Also, I will provide plaintiff with ten extra days to respond to any summary judgment motion filed by defendants.

Having eased the schedule, I close with this warning to both sides: the summary judgment motion deadline is not moving again, and plaintiff will not receive any additional extensions of his response deadline. There is no more breathing room in the schedule, so both sides must plan and act accordingly.

It is ORDERED that the schedule in this case is modified as follows:

- (1) Plaintiff's expert disclosure deadline is December 1, 2006.
- (2) Defendants' expert disclosure deadline is January 5, 2007.
- (3) The deadline for filing a summary judgment motion is January 12, 2007.
- (4) Plaintiff may have 40 days within which to file and serve his response to any defense summary judgment motion, with defendants' reply due 10 days thereafter.

In all other respects, the preliminary pretrial conference order remains in effect.

Entered this 7th day of November, 2006.

BY THE COURT:
/s/
STEPHEN L. CROCKER
Magistrate Judge